



# *The Commonwealth of Massachusetts*

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December 15, 2003

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS  
ON THE  
FINAL ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : Stoneham Executive Center  
PROJECT MUNICIPALITY : Woodland Road - Stoneham  
PROJECT WATERSHED : Boston Harbor - Mystic River  
EOEA NUMBER : 12372  
PROJECT PROPONENT : The Gutierrez Company  
DATE NOTICED IN MONITOR : November 8, 2003

As the Secretary of Environmental Affairs, I hereby determine that the Final Environmental Impact Report (FEIR) submitted on this project **does not adequately and properly comply** with the Massachusetts Environmental Policy Act (M.G.L. c. 30, ss. 61-62H) and with its implementing regulations (301 CMR 11.00). Therefore, I am requiring the preparation of a Supplemental Final Environmental Impact Report (SFEIR).

While I fully support the reuse of previously developed sites, including the reuse of this site, the project as currently designed has not adequately addressed my continued concerns with regard to the significant volume of traffic that this development will generate and the associated impacts to the historic parkways and open spaces of the Middlesex Fells Reservation. I have received over three thousand comments on the FEIR for this project, most of which have focused on the size of the project, traffic generation, and impacts on Middlesex Fells Reservation. Both the Department of Conservation and Recreation and the Massachusetts Historic Commission have commented on the serious

deficiencies in the FEIR, particularly with respect to project alternatives, traffic mitigation, and historic resource impacts. The resolution of these critically important issues, as further detailed below, will likely impact the final layout, design, and size of the project. It is thus premature to conclude that the project as designed meets the obligations imposed by MEPA, or that state agencies have sufficient information on which to base their permit decision and to fulfill their Section 61 obligations, which requires agencies to make "a finding describing the environmental impact, if any, of the project and a finding that all feasible measures have been taken to avoid or minimize said impact."

**Project Description:**

The project site is a 40.7-acre inholding parcel located in the midst of the Middlesex Fells Reservation, 2,575 acres of protected parkland under the care custody and control of the Commonwealth's Department of Conservation and Recreation (DCR). As described in the FEIR, the proposed project consists of the redevelopment of the Boston Regional Medical Center site into approximately 914,000 square feet of medical and office space. The existing medical office building (110,000 sf) would remain operational, the existing hospital building (250,000 sf) would be reused for office space, and an accessory building (14,000 sf) would continue in use. In addition, the proponent proposes to construct three new office buildings totaling 540,000 sf.

The proponent proposes to construct a loop roadway with a north and south access onto Woodland Road. These access roadways would be in close proximity to the existing loop roadway and access driveways connecting to Woodland Road. As proposed, the redevelopment of the site would have approximately 3,000 parking spaces; 1,101 of the spaces would be located in a parking structure (approximately 327,000 sf) and the remaining 1,899 spaces would be located on surface parking lots. The proponent estimates that the project would generate approximately 8,920 average daily vehicle trips.

The proponent estimates that the proposed project would consume approximately 110,000 gallons per day (gpd) of potable water. The proponent estimates wastewater generation at approximately 91,750 gpd. Water and wastewater connections would be made to the local municipal systems.

**Project Regulatory Environment:**

This project required a mandatory EIR pursuant to Sections

11.03(1)(a)(2), (6)(a)(6), and (6)(a)(7) of the MEPA regulations because it creates ten or more acres of impervious area, generates 3,000 or more new vehicle trips per day, and includes the construction of 1,000 or more parking spaces. An Access Permit for Woodland Road, permission to enter the Woodland Road drainage system, the reconfiguration of various intersections, and the provision of new and/or the modification of traffic signals is required from DCR. The project requires permission from the Massachusetts Highway Department (MHD) to provide new traffic signals at the Main Street/South Street/North Border Road intersection. It requires a Sewer Connection Permit from the Department of Environmental Protection (DEP) for the three new office buildings.

The project must comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site. The proponent must obtain Orders of Conditions from the Stoneham Conservation Commission for roadway work within wetland buffer zones. The Town of Stoneham must obtain design approval review from the Massachusetts Water Resources Authority (MWRA) to connect the project to an MWRA water main.

MEPA jurisdiction extends to those aspects of the project that are within the subject matter of required or potentially required state permits and that have the potential to produce significant damage to the environment. In this instance, MEPA jurisdiction extends to land alteration, parkland impacts, traffic, air quality, wetlands, stormwater, wastewater, and water.

The SFEIR should resolve the remaining issues outlined below. It should follow Section 11.07 of the MEPA regulations for outline and content, as modified by this scope. The SFEIR should address the comments received on the FEIR to the extent that they are within this scope. It should include a copy of this Certificate.

### **Alternatives Analysis:**

In previous Certificates, MEPA has repeatedly requested the proponent to consider a reduced build alternative "if impacts from the full build alternative cannot be adequately mitigated." The SDEIR and the FEIR did not develop a Reduced Build Alternative, as requested. The SDEIR did review a "by-right" reoccupation of the existing medical office building and the hospital building when it developed its No-Build Traffic volumes.

Based on discussions with DCR, the proponent must examine a reduced build alternative in the SFEIR that seeks to avoid and minimize impacts. It must demonstrate that this reduced build alternative can be built without adversely affecting the character of the parkways and that it includes a mitigation package of traffic improvements that address DCR's concerns. The Reduced Build Alternative should identify impacts for all areas of jurisdiction.

### **Open Space and Historic Resource Impacts:**

As Secretary of Environmental Affairs, I have made it a priority to enhance the rich conservation legacy we have in Massachusetts and ensure that we have a unified, world-class parks system for residents, visitors and future generations. While we strive to expand upon our open space and parks system, it is imperative that we remain vigilant in our duty to protect the wonderful parks that we already are fortunate to possess. It is in this spirit that we worked to create the new DCR and continue our commitment to the Historic Parkway Initiative.

In order to accommodate the large volume of traffic that will travel on DCR's parkways to and from the project site each business day, the proponent has developed a package of traffic mitigation measures to alleviate congestion: including adding traffic signals at North Border Road/South Street/Main Street, Pond Street/Woodland Road and South Site Drive/Woodland Road; adding turning lanes at Pond Street/Woodland Road, North Border Road/South Street/Main Street, North Site Drive/Woodland Road, South Site Drive/Woodland Road, Fellsway East/Pond Street/West Wyoming Avenue; and reconfiguring existing intersections at South Street/Pond Street, North Site Drive/Woodland Road, Molineau Circle, and Route 28/Elm Street.

While these traffic improvement projects will assist in moving additional vehicles on the parkways, I remain concerned about the adverse impact that these projects will have on the character of the historic parkways and the Middlesex Fells Reservation. The parkways within the Reservation were designed as an interconnected system of internal park roads and border roads to serve the recreational purposes of the parkland.

Many comment letters expressed concern over the proposed physical traffic mitigation measures that would affect DCR parkland and the landscape character of existing parkways. The proponent has estimated that approximately 28,900 sf of additional paved surface would be required to make the traffic improvements proposed as mitigation for the project. However, these proposed traffic improvements would also reduce impervious

surface in certain areas, restoring approximately 10,000 sf of land to open space. In total, the proposed traffic improvements will create approximately 18,900 sf of net new paved area. In order to compensate for the loss of open space, the proponent has committed to provide a conservation easement for approximately 47,700 sf of land along the project's frontage with Woodland Road. The FEIR has also estimated that approximately 54 trees will need to be removed along the DCR's parkways to accommodate these traffic improvements. The proponent has indicated that it will plant at least 69 or more public shade trees as replacement. The FEIR included a copy of its proposed Memorandum of Understanding (MOU) with the DCR.

According to the Commissioner's comment letter dated December 8, 2003, DCR is not satisfied that the project proponent has adequately explored alternatives to avoid or minimize the impacts to parkland and parkway resources. DCR also asserts, and I must agree, that the FEIR does not provide for adequate or appropriate mitigation measures to resolve the impacts to the resources. DCR has indicated that it will not support the proposed alterations to the park or parkways, and it will not approve an Access Permit or any other permits until these above issues are satisfactorily addressed.

The SFEIR must address the issues raised by DCR and other commenters with regard to impacts to the Middlesex Fells Reservation. The SFEIR must reduce project impacts to parkland and/or propose additional mitigation measures. While the project proponent has the responsibility under MEPA to prepare the SFEIR, they cannot reasonably be expected in this instance to effectively do so without additional consultation and cooperation from DCR. Therefore, I strongly encourage the proponent to continue consultation with DCR to resolve the remaining issues. I expect the proponent and DCR to initiate a series of meetings to negotiate a new MOU that thoroughly addresses appropriate traffic improvements and mitigation that ensures that impacts to the historic character of the Middlesex Fells are avoided and minimized. The MOU should examine the applicability of Article 97 of the Amendments to the Massachusetts Constitution, particularly with respect to the site access drive and utility crossings. The MOU should demonstrate compliance with EOEAs Article 97 policy, where applicable. The negotiations of a revised MOU should take no longer than 90 days upon commencement. The revised MOU should be included in the SFEIR for public review and comment.

**Traffic:**

As required, the FEIR recalculated the vehicle trip

distribution figures and text using the 2000 U.S. Census for journey-to-work data for the Town of Stoneham. The changes in trip distribution were identified, and the differences were deemed to be insignificant by the proponent.

In the FEIR, the proponent states that additional mitigation measures for the following intersections where delay would increase are unnecessary. These intersections are: Park Street/North Border Road/Fallon Drive; Woodland Road/Ravine Road; Fellsway East/Ravine Road; Highland Avenue/Fellsway East; Fellsway East/Phillips Road; and Elm Street/Aquavia Road/Brackett Street. The SFEIR should consider additional mitigation at these intersections, particularly the potential for signalization of Route 28/Elm Street as requested by the City of Medford.

The SFEIR must provide a summary of the traffic information presented in past documents, particularly trip distribution, level-of-service (LOS) analysis, traffic queues, and build and no-build scenarios. It should present a map showing the present and future LOS analysis where LOS is identified as F within the study area. The SFEIR should respond to concerns raised regarding the PICADY model for traffic intersection analysis compared to the proponents LOS analysis. The proponent should determine if this method is more accurate for study area intersections, and if so, recalculate the traffic analysis.

The FEIR discussed why more trips are not projected for Ravine and Phillips Roads as a cut through to Wyoming Avenue. The SFEIR should examine DCR's suggestion to close Ravine Road between Woodland Road and the Fellsway East. It should determine the impact from the redistribution of traffic from this closure. The SFEIR should provide the level-of-service (LOS) analyses for the intersections of Woodland Road/Pond Street and Pond Street/Fellsway East/Wyoming Avenue for the Reduced Build Alternative and the Preferred Alternative with the closure of Ravine Road.

### **Parking:**

Reducing parking or adding a cost to parking is one of the most effective Transportation Demand Management (TDM) methods for office projects to reduce single occupancy vehicles. In the FEIR, the proponent committed to reducing the number of parking spaces from 3,288 to 3,000. The proponent will not construct approximately 288 surface parking spaces, but rather, will "land bank" the spaces to be utilized only if the development program needs them. The SFEIR should discuss the Metropolitan Area Planning Council's concern over excess parking: the proposed build out proposes 3.6 spaces per 1,000 sf while the Institute of

Traffic Engineers Handbook suggests 2.5 spaces per 1,000 sf. The proponent should again examine if parking can be further reduced to the zoning minimum and "land banked." The land banked spaces should only be used if absolutely required. The SFEIR must provide a methodology for reviewing and certifying a parking deficiency for approval of the potential construction of "land banked" parking spaces.

**Pedestrian and Bicycle Issues:**

The FEIR identified the proposed pedestrian and bicycle facility improvements included with this project. It depicted where secure bicycle parking facilities will be located on the site and it provided more than 125 bicycle parking spaces with a commitment to provide additional bicycle parking spaces as needed.

The increased traffic from the project may impact recreational opportunities for walking and bicycling. The SFEIR should examine the need for additional bicycle parking spaces and pedestrian facilities recommended by DCR.

**Transportation Demand Management (TDM) :**

The FEIR examined various TDM measures and a program that includes: subsidizing the MBTA monthly pass program for employees by 25 percent; providing a shuttle bus service during peak hours to the Wyoming Hill commuter rail station in Melrose; providing preferential parking for ridesharing; and including automated banking services, food services, health club facilities, and secure bicycle storage and shower facilities.

The FEIR has made no commitment to require tenants to provide the TDM measures as part of its lease arrangements. The SFEIR must address the proponent's commitment to providing TDM measures by either the proponent or through lease agreements with future tenants. It should identify additional feasible TDM measures to reduce traffic and parking.

**Water:**

The SFEIR should identify the design review required by the Massachusetts Water Resources Authority (MWRA) for water connections to its system by the Town of Stoneham on behalf of the proposed project.

**Wastewater:**

The FEIR addressed the wastewater issues raised by the commenters concerning wastewater system constraints, particularly in Melrose. It stated that wastewater flows from the project would not overtax the capacity of existing constrained areas.

According to DEP's comment letter, the proponent is required to remove 162,000 gpd of Infiltration/Inflow (I/I) (4:1 ratio) for the 40,500 gpd of wastewater flow that is estimated for the new office buildings. The SFEIR must address the I/I issues, and describe the proponent's proposed I/I measures.

**Stormwater:**

The FEIR identified that the existing DCR drainage system in Woodland Road in the vicinity of the project site discharges to the Quarter Mile Pond. The proponent's proposed drainage system in Sub area E-6 and Design Points 1 and 2 would discharge to the Woodland Road drainage system. The FEIR discussed the drainage concerns stated in the comment letters from the Department of Environmental Protection (DEP), dated September 24, 2001 and August 7, 2002. The FEIR included plans for the construction of the replacement of the DCR drainage pipe under Ravine Road by the proponent.

DEP has requested that the proponent provide additional information on stormwater in the SFEIR. The SFEIR must include the additional drainage information requested by DEP and DCR. It must ensure that the stormwater system conforms with DEP's Stormwater Guidelines and DCR's NPDES permit requirements.

**Mitigation:**

The FEIR and the supplemental information submitted by the proponent on November 24, 2003 included an outline of the various proposed mitigation measures and the Proposed Section 61 Findings for the DCR (traffic, parkland, and stormwater), DEP (wastewater), and MWRA (water).

The SFEIR should include an updated chapter on mitigation measures. This chapter on mitigation should include the Proposed Section 61 Findings for the DCR (traffic, parkland, stormwater, and historic resource impacts), DEP (stormwater, wetlands, and wastewater), MWRA (water), and MHD (traffic signal). The SFEIR should contain a clear commitment to mitigation, an estimate of the individual costs of each item of proposed mitigation, and the identification of the parties responsible for implementing the



mitigation. A schedule for the implementation of mitigation should also be included in the SFEIR.

**Comments and Circulation:**

The SFEIR should include a copy of each comment received. The SFEIR need not reproduce every form letter, but should include one "template" from each form letter category noted below. The SFEIR should respond to the substantive comments received, including the substantive issues raised in the form letters. The proponent should circulate a hard copy of the EIR to each state agency from which the proponent will seek permits or approvals.

In an effort to conserve resources, particularly in light of the extremely large number of comments received (over 3,000), I will allow the proponent to circulate the SFEIR in CD-ROM format to individual commenters, although the proponent should make available a reasonable number of print copies available on a first come, first served basis, to accommodate those without convenient access to a computer. Furthermore, prior to circulation, the proponent may query commenters as to whether they wish to receive the full SFEIR document, the document without appendices, or an executive summary of the document (in each case a CD-Rom version would be allowable), or no document at all, and it may distribute an executive summary to all those not responding to the query.

December 15, 2003

DATE

/s/ Ellen Roy HerzfelderEllen Roy Herzfelder

cc: Senator Richard R. Tisei  
Representative Paul C. Casey  
Representative Paul J. Donato  
Representative Carol A. Donovan  
Representative Michael E. Festa  
Representative William G. Greene  
Representative Charles A. Murphy  
Stoneham Board of Selectmen  
Mayor Robert J. Dolan, Melrose  
Mayor Richard Howard, Malden  
Mayor Michael McGlynn, Medford  
Somerville Board of Alderman  
Department of Conservation and Recreation

EOEA #12372

FEIR Certificate

December 15, 2003

Department of Environmental Protection  
Massachusetts Water Resources Authority  
Massachusetts Historical Commission  
Metropolitan Area Planning Council

Note: Though not required under 301 CMR 11.00, MEPA traditionally lists all comment letters received. Due to the large volume of comment letters received, commenters are not listed at the end of this Certificate. All comment letters, however, are available for review at the MEPA Office in the project files.

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